

### **REMARKS**

Claims 37, 38, and 40-49 were examined and rejected. Claims 37, 42, 46, and 48 have been amended. Claims 38, 43, and 47 have been cancelled. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

All examined claims have been rejected as being anticipated by or obvious over the teachings of Yoon, U.S. Patent No. 5,620,452 to "Yoon." Such rejections are traversed in part and overcome in part.

In rejecting the claims, the Examiner relies in particular on Fig. 11 and the teachings at Column 1, lines 22-58, and Column 3, lines 6-40, of Yoon. The Examiner notes that the fastener of Yoon includes "a pair of laterally-spaced apart penetrating element (50) on the first plate " and that the first plate is "free of additional penetrating elements spaced from the pair of laterally-spaced apart penetrating elements."

Applicants respectfully disagree with this characterization of Yoon. In particular, Applicants believes that the penetrating elements (50) must be considered to be axially spaced-apart, not laterally. Thus, independent Claims 37, 42, and 46, clearly distinguish the teachings of Yoon since they require that the first plate of the fastener have a pair of laterally spaced-apart penetrating elements and be free from additional penetrating elements "spaced axially from the pair of laterally spaced-apart penetrating elements."

In order to expedite prosecution and clarify this distinction, Applicants have amended each of the independent claims to specify that the first and second plates each have "an axial and lateral direction" and further that "the first and second plates are joined by a laterally oriented hinge and the axial direction is perpendicular to the hinge."

With this amendment to the independent claims, the nature of the hinge of the present invention has been clarified. In particular, with reference to Figs. 21-23, it can be seen that the spaced-apart penetrating elements of the clip of the present invention are parallel to the hinge, not perpendicular to the hinge as taught by Yoon.

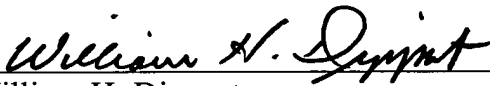
It should further be noted that the claimed geometry of the hinge can have significant advantages when used to secure "coapted valve leaflets together," as illustrated in Figs. 21-23. Use of the claimed laterally spaced-apart penetrating elements and their relationship to a lateral hinge will result in the penetrating elements being parallel to the edges of the valve leaflets, as shown in Figs. 21-23. The penetrating elements will thus provide substantial "purchase" along the edges of the leaflets while not extending significantly into the leaflet toward the base of the valve. Thus, these fasteners will provide the necessary fastening while minimizing potential interference with the opening and closing of the valve in regions spaced inward from the coapted edge.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Should the claims herein be allowable but for minor matters that could be the subject of a Supplemental submission by Applicants or an Examiner's Amendment, Applicants would appreciate the Examiner's contacting Applicants' undersigned attorney at 212.883.4993.

Respectfully submitted,

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